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REMARKS

I. INTRODUCTION

In response to the Office Action dated December 5, 2006, no claims have been canceled, amended or added. Claims 1, 3-11, 13-21 and 23-30 remain in the application. Entry of these remarks, and re-consideration of the application, is requested.

II. PRIOR ART REJECTIONS

On page (2) of the Office Action, claims 1, 3-4, 11, 13-14, 21, and 23-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Zaharioudakis et al., U.S. Publication No. 2003/0088558 (Zaharioudakis). On page (4) of the Office Action, claims 5-10, 15-20, and 25-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zaharioudakis in view of Bello et al., U.S. Patent No. 6,496,819 (Bello).

Applicant's attorney respectfully traverses these rejections. Specifically, Applicant's attorney asserts that Zaharioudakis is not a prior art reference for the following reasons:

1. Zaharioudakis has a November 5, 2002 filing date, which is more than two years after the September 26, 2000 filing date of the present application, and which is more than three years after the December 22, 1999 priority date of the present application.
2. Although Zaharioudakis is a continuation-in-part to Utility Application Serial No. 09/502,821, filed on February 11, 2000, which claims priority to Provisional Application Serial No. 60/135,133, filed on May 20, 1999, at least some of the specific portions of Zaharioudakis referred to in the rejections of the Office Action are only entitled to the November 5, 2002 filing date, because these specific portions of Zaharioudakis cannot be found in any of the prior patents. Note, for example, that the rejections of independent claims 1, 11 and 21 refer to the following portions of Zaharioudakis: paragraphs [0031], [0041] and [0043]. However, Applicant's attorney submits that paragraph [0043] of Zaharioudakis cannot be found in any of the prior patents, paragraph [0043] of Zaharioudakis is not entitled to an effective date earlier than the November 5, 2002 filing date, and thus paragraph [0043] of Zaharioudakis cannot be cited against Applicant's claims.

Consequently, the Office Action fails to comply with the requirements of M.P.E.P. §706.02(f)(1), which states that "[t]he 35 U.S.C. 102(e) date of a reference ... is its earliest effective U.S. filing date, taking into consideration any proper benefit claims to prior U.S. applications under

35 U.S.C. 119(e) or 120 if the prior application(s) properly supports the subject matter used to make the rejection in compliance with 35 U.S.C. 112, first paragraph." Thus, Applicant's attorney requests that the rejections be withdrawn.

III. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.


Respectfully submitted,

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